



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003997

**Applicant Name:** Loren Davis for Deutsch Partners, LLC

**Address of Proposal:** 5433 Leary Avenue N.W.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a six-story senior housing development containing 146 independent and assisted living residential units above a ground floor containing a dining room, kitchen, and other senior housing common amenities for retirement living, and 8,905 square feet of general retail space. Parking for 105 vehicles will be located on two levels below grade. The project includes approximately 15,400 cubic yards of excavation.

The following approvals are required:

**SEPA - Environmental Determination** – Chapter 25.05 SMC

**Design Review** – Chapter 23.41 SMC – Three Design Departures

1. SMC 23.47.008.D Maximum Residential Lot Coverage
2. SMC 23.47.008.B.1 Minimum Frontage in Non-Residential Use
3. SMC 23.54.030.B.1.b Parking Stall and Aisle Size Standards

**Ballard Avenue Landmark Board** - Chapter 25.16 SMC

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Background**

In May 2001, a different applicant obtained MUP approval (Project No. 9900742) for the development of two phases of a mixed-use project. Phase II (the subject of the present application) was to be located at 5433 Leary Avenue N.W., and Phase I (not included in the present application) was to be located on the east side of Leary Avenue N.W. For a variety of reasons, Phase II of the previously proposed project was not constructed. In June 2005 the Phase II project site was bought by the current applicant. Although the currently proposed project was to be substantially similar to the project approved in 2001, the proposed project differed in a few aspects (the change of use to retirement housing, no customer service offices, and a reduced amount of parking). As such, DPD and the development team agreed that the new project should be assigned a new project number and return to the Northwest Design Review Board for review. Since the project had already been designed according to the Early Design Guidance given by the Board for the previously approved project, it was agreed that beginning the design review process at a Design Review Board Recommendation meeting, rather than at an Early Design Guidance meeting, would be appropriate given the circumstances.

### **Site and Area Description**

Originally, the proposed development project was to be constructed in two phases in the Ballard neighborhood. Phase I of the project, not the subject of this Master Use Permit, is currently being built on the east side of Leary Avenue N.W., is owned by a different applicant, and is a mixed use project containing 298 residential units, 10,544 square feet of retail uses and structured parking for 418 vehicles.

Properties immediately north of the site fronting on Leary Avenue N.W. and N.W. Market Street are zoned Neighborhood Commercial 3 with a 65' height limit (NC3-65'), which is typical of parcels along Market Street in the vicinity. Across Leary Avenue N.W. to the northeast is the originally approved Phase I of the project with residential and non-residential use at street level and five stories of residential uses above. This area is zoned C1-65. To the west there are a mix of restaurant, retail office and residential uses found in the Ballard Avenue Landmark District. This area is zoned NC2-65'. Zoning farther to the south along Leary Avenue N.W. consists of a mix of C1-65, Industrial Buffer, Midrise, and Industrial General.

### **Proposal Description**

The proposed project includes 146 independent and assisted living residential units above a ground floor containing a dining room, kitchen, and other senior housing common amenity areas for retirement living, and 8,905 square feet of general retail space. Parking for 105 vehicles will be located on two levels below grade. The project includes demolition of one building and partial demolition and restoration of another building (in the Ballard Avenue Landmark District).

The project is situated between Leary Avenue N.W. and Ballard Avenue N.W., approximately mid-block between N.W. Market Street and N.W. Vernon Place. The project site consists of six mid-block lots with approximately 300 feet of frontage on Leary Avenue N.W., connected to three mid-block lots with approximately 150 feet of frontage on Ballard Avenue N.W. The

property is currently occupied by the Wilson Ford automobile dealership building and an auto repair shop, and two vacant lots. The property is zoned Commercial I with a 65' height limit (C1-65') and Neighborhood Commercial 2 with a 65' height limits (NC2-65'). The site is located within the Ballard Hub Urban Village as designated in the Ballard Neighborhood Plan. The portion of the site fronting Ballard Avenue N.W., and running to mid-block between Ballard Ave. N.W. and N.W. Leary Way, is located in the Ballard Avenue Landmark District.

The proposed development, while technically a single building over a common underground parking garage, would have the appearance of being several buildings. Viewed from Leary Avenue N.W., the building will appear as a six-story building with five stories of residential units over one of retail uses. The building design has been developed with upper floor setbacks and two distinctive elevations so as to break up the height and length of the façade. The portion of the façade south of the entrance has strong horizontal lines at each floor level while the portion of the façade north of the entrance has a configuration of vertical lines that flow to the street level. Exterior finish materials will consist of brick veneer, glass and aluminum storefront at the base. Upper levels would be covered in brick veneer, hardi board, stucco, aluminum with vinyl windows, and painted wall surfaces. The brick veneer would reach the base in some locations and rise into the top story of the building. Retail uses would be established in a portion of ground floor on Leary Avenue N.W. street frontage. Other uses on the Leary Avenue street frontage would include the garage entrance, residential entrance, and some of the residential common area. An awning would be included along the Leary Avenue street frontage. Existing buildings along Leary Avenue N.W. will be demolished.

As viewed from Ballard Avenue N.W., the portion of the proposed project, which is located in the Ballard Avenue Historic District, would preserve and restore the existing stucco and wood window façade of the building that was used as the Wilson Ford auto repair shop. Two levels of residential units set back 20 feet from Ballard Avenue will be constructed above the restored Wilson Ford with a third level of residential units set back 47 feet from Ballard Avenue. At the northern extent of the restored façade on the vacant lot, a new three-story building with brick veneer would be designed to fit within the historic district.

## **PUBLIC COMMENTS**

Public notice of the project application was published on February 23, 2006. The required public comment period ended March 8, 2006. Public notice of the revised project application was published on March 6, 2006. The required public comment period for the revised project application ended March 20, 2006. Written comment letters indicated concern over a perceived high level of traffic congestion, perceived lack of parking, and a desire that no further residences be added to the area.

The Design Review Board for Area 1 held two properly noticed Early Design Guidance meetings for the previous project on December 1, 1998 and March 1, 1999.<sup>1</sup> Three noticed recommendation meetings were held on October 10 and December 12, 2005, and a final recommendation meeting was held on March 13, 2006. Public comment letters were received and public comment was taken at the various Design Review public meetings.

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<sup>1</sup> The Ballard area was previously called "Area 1" for design review purposes. Design review is now conducted by the Northwest Design Review Board.

## **ANALYSIS-DESIGN REVIEW**

### **Design Guidelines Priorities**

The previous project proponents presented their initial ideas at Early Design Guidance meetings on December 1, 1998 and March 1, 1999. Early design guidance was directed towards both Phases I and II of the project. After considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following design guidelines found in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority to the project:

***A-1. Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other natural features.***

The Board identified this guideline as important indicating that the buildings should respond to the grade change which decreases by approximately 15 feet from north to south. The Board agreed that because of the site's prominence in the Ballard neighborhood, there is a significant urban design opportunity.

3/1/99

The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***A-2. Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.***

Because of the extent of linear frontage along Leary Avenue N.W., the Board requested that the applicant return for a second Early Design Guidance meeting and provide a conceptual sidewalk plan which illustrates the pedestrian experience. The Plan should include plantings, pedestrian and vehicular entrances, sidewalk treatments, street furniture, and other amenity features. Sidewalk plans should also be prepared for the 20<sup>th</sup> Avenue N.W. and Russell frontages, and should integrate the immediately surrounding context and should be dissimilar to the Leary Avenue N.W. plan. The Plan should also include weather protection design elements along the building faces if proposed.

3/1/99

The Board felt that the redesign of the project was superior to the initial submittal, however, given the significant amount of departure requested for reductions to both the open space area and the commercial area, the Board indicated that in order to support the departures, the applicant should provide the following:

- Prepare a traffic plan and an urban design plan for Leary Avenue from 15<sup>th</sup> Avenue to Market Street. The plan should analyze the feasibility of channeling the street from four to two lanes within the inclusion of a turn lane; angled parking on the east side; enhancements of the mid-block crosswalk; sidewalk treatments and other design features along the east and west sides of Leary Avenue. The applicant is encouraged to discuss the traffic plan and sidewalk features with SeaTran as soon as possible and prior to MUP submittal.

- After completion of the study, the applicant shall determine the amount of contribution they are willing to make towards the plan improvements.
- The applicant shall also specify the amount of funds allocated for public art. The applicant should also be able to present their public art concept and include general locations and type.

***A-4. Human Activity. New development should be sited and designed to encourage human activity on the street.***

In order for the Board to respond to the request to reduce the commercial area, the Board requests that the applicant return to the Board prior to the MUP submittal and present a *Commercial Strategy Plan*. The purpose of the Plan will enable the Board to evaluate the usability, location, and approximately dimensions of all the commercial spaces which are not dedicated to live/work spaces.

Although the second phase is outside the Design Review Board's purview, the Board readily supported the concept of providing a passageway between the proposed buildings as a way to break the building mass along Leary as well as to create a linkage from Ballard Avenue and across Leary Avenue to Phase I. The applicant also indicated that he will explore ways to enhance the mid-block crosswalk with SeaTran to help accentuate and distinguish the pedestrian way by using different surface treatments and other methods to provide greater safety. The design intent includes provision of recreational uses for the tenants of both phases. The enhanced crosswalk would be used to access the recreational facilities by tenants of Phase II.

Lastly, the passageway through Phase II is off-set from the crosswalk and the courtyard/autocourt of Phase I. The Board recommended that the alignment be continuous (eliminate the jog) to provide a peek-a-boo view to and from Ballard Avenue. This would also strengthen the pedestrian connection to the Ballard Avenue Historical District in addition to enhancing the pedestrian and visual experience to and from the District and to the surrounding neighborhoods.

3/1/99

The applicant retained Yates, Wood and MacDonald to respond to the request for a Commercial Strategy Plan. This firm was asked to evaluate what amount of commercial space would be necessary to maintain a healthy project and neighborhood. The consultant concluded that 30,000 square feet of commercial space would be detrimental for this project. A lesser amount could be supported if surface parking was provided, and if live/work units were integrated to allow adequate flexibility to convert to commercial uses should there be a demand in the market. The Ballard Avenue phase would better support retail uses.

In response to their consultant, the applicant has revised the design to include retail at the southwest corner of the building, and has specified the amount of departure requested for a reduction to the required amount of commercial area. The applicant has proposed on-street, angled parking along Leary. Angled parking results in more on-street parking spaces than parallel parking. Regarding providing commercial area, the recreational facilities would be relocated to the southeast corner and along a portion of 20<sup>th</sup> Avenue and the corner space is designated for commercial uses. The applicant has also concentrated retail spaces along Ballard

Avenue as the most viable location. Live/work uses are proposed along Russell. The job has been eliminated by shifting the entrance into the auto court in Phase I so that it aligns with the passage proposed on the west side of Leary. The Board had no specific comments regarding Phase II. Please see the response to A-2 above.

***A-6. Transition between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.***

The Board identified this as a high priority as it relates to the live/work units and the relationship to the public domain. The Board anticipates a setback and other architectural features to provide an identifiable transition between the live/work entrance and the public right-of-way.

3/1/99

The Board stated that this continues to be a high priority for Phase I and felt the transition between commercial and residential spaces, including the stepping back of the residential portion away from the ground-related commercial along Ballard Avenue worked well.

***A-7. Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.***

The project includes a predominately hardscaped “courtyard/auto court” located between two buildings which provides surface parking for the leasing office. The Board was not clear how the remaining area would function as open space. Because of the significant design and functional potential of this area as open space, the Board was not supportive of parking in this area or of the significant amount of departure requested to reduce required open space. The applicant should provide a code-complying plan for comparison which meets the open space requirements. The Board also requests a revised concept proposal which maximizes open space areas including roof-top decks, balconies, etc. to meet the open space requirement. The Board disagreed with the architect’s statement that roof-top decks are not used, and expressed that the allure of roof-top decks is dependent upon the strength and success of the design, including the creation of intimate spaces using plantings, furniture, etc. The Board was unwilling to consider a significant departure to the open space requirement based upon the concept presented at the Early Design Guidance meeting.

3/1/99

The revised design presented on March 1<sup>st</sup> incorporates a greater amount of linear open space at grade within Phase I in addition to open space provided in balconies and roof decks. Phase II includes a private garden, a “semi-public court,” and roof terraces. However, both Phases I and II are significantly deficient in the amount of open space proposed. Depending on how the applicant responds to the Board’s request under A-2 above, the Board will consider supporting the reduction to open space area. The Board also requested that a detailed design for the auto court and other open space areas in Phase I be presented at their recommendations meeting following MUP submittal.

***A-8. Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.***

The Board identified this as a high priority. Please see the Board’s response to A-7 above.

3/1/99

Please see the response to A-7 above regarding the Board's request for a more detailed design of the auto court and open space areas.

***A-10. Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.***

The Board emphasized this as a significant priority. The concept design presented did not address the corner, but rather seemed to have ignored it. The Board agreed that a commercial use would be ideal in order to anchor the corner, to provide architectural interest and to function as a potential gateway to the project. The Board recognized that this project will become a catalyst for revitalizing this section of Ballard. Therefore, pedestrian-oriented commercial development should not be isolated to locations closer to Market Street, but rather should be extended and introduced along Leary Avenue.

3/1/99

As indicated in A-4 above, the corner portion of Phase I will be commercial. The Board applauded the architectural concept which incorporates historic references such as a flatiron treatment of the corner. Retail uses have also been concentrated along Ballard Avenue in Phase II.

***B-1. Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential of the adjacent zones.***

The Board recognized this project as significantly larger than development in the vicinity. As described by the architects, the Board agreed that the buildings should have discernible bases, middle or shaft, and tops. The Board was supportive of using the historic vernacular in creating narrower, as opposed to wider, modules. The success of the design will depend upon the placement, integration, and treatments of open spaces which could be terraced, and the use of balconies. Buildings could also be set back at the upper levels or other elements could be used such as dormers, mansards, etc., to mitigate the building mass and bulk and create strong visual interest.

3/1/99

The applicant has responded to this priority by attempting to break the façade on the east side of Leary into three "distinct buildings—a middle building flanked by two supporting buildings." The buildings share the same palate of materials and colors (red and a lighter brick color). The base will use a light-colored brick and the upper portion will be a darker brick. Cornices will be a precast concrete. The corners and ends are stepped vertically and horizontally.

The Board agreed that the design is moving in the right direction, and complimented the choice of external building materials on the street elevations. However, the Board felt that while the design incorporates elements which lead to ample modulation, the overall building façade along Leary appears too uniform, except for the southern portion. Too much uniformity in turn accentuates rather than mitigates the building's mass. The Board suggested that the brick color could be alternated on the building modules. The rhythm of the fenestration, decks, and other details could be modified while creating several unifying themes.

***C-1. Architectural Context. New buildings proposed for existing neighborhoods with well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.***

The Board emphasized the importance of relating the design to the historical context in addition to the newer buildings in the area.

The site's location provides three different points of transition: to the Major Institutional District comprised of Swedish Hospital and other medical facilities located to the east; to the Ballard Historic District located to the west and across Leary; and to two Historic Landmark buildings adjacent to the site: the Ballard Firehouse directly north, and an apartment building located at 5216 20<sup>th</sup> Avenue NW south of the site. Thus, design sensitivity to the surrounding context is essential. Special attention should be given to how the building relates to the Ballard Firehouse immediately north of the site which is a designated Historic Landmark.

3/1/99

The Board had no additional recommendations for Phase II, or for those portions of the building fronting onto Russell Avenue or 20<sup>th</sup> Avenue N.W., but did suggest that the applicant continue to resolve how the areas and building elevations adjacent to the Ballard Firehouse would be treated. The applicant did express an interest in combining the trash collection functions for both the development site and the Firehouse on the project's property, thus serving as a clean-up measure on the Firehouse property. The Board also suggested the applicant pursue an access easement from the proposed open space area internal to the project and along the west side of the Firehouse up to Market Street.

Regarding Phase II, the Board agreed that the design concept was appropriately sensitive to the historic vernacular of the Ballard Historic District and felt that the new portion was complimentary rather than intrusive.

***C-2. Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.***

The Board recommended that buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls. The Board emphasized the importance of integration into the urban fabric, however, no specific additional guidance was provided.

3/1/99

The Board provided no additional recommendations related to this priority for Phase I.

***C-3. Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.***

Please see the responses to A-10 and B-1 above.

3/1/99

Please see the response to B-1 above.



***C-5. Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.***

The architect stated that materials proposed included brick and other masonry materials. The Board identified this as an important priority, and that brick is the accepted material.

3/1/99

Please see the response to B-1 above. Materials may differ on the elevations facing the interior courtyard on Phase I which was acceptable to the Board, provided that the brick elements wrap around the corners of the street-facing facades. Colored elevations will be presented at the Board's recommendations meeting following MUP submittal.

***C-5. Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.***

The Board identified this as a high priority but provided no specific recommendations

3/1/99

The Board accepted the proposed parking access locations proposed for both Phases I and II and had no additional recommendations other than requesting additional design details for the auto-court proposed for Phase I. Generally the Board spoke more favorably about the auto-court provided it offered, both in amenity and function, a public space which design refinements should bare out.

***D-1. Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.***

***Opportunities for creating lively, pedestrian-oriented open space should be considered.***

Please see response to A-8 above. The Board emphasized that the proposed courtyard/auto-court should be for pedestrians exclusively. Also, please see A-1 above as it relates to the Board's support of the passageway for Phase II and the importance of how a courtyard of Phase I might provide visual relief along the street frontage.

3/1/99

Please see the response to A-7 above. The applicant did indicate that the proposed open space areas for both Phases I and II would be gated by a decorative gate which would prevent access during night hours. The Board supported the design and locations of the pedestrian and open space areas at grade shown for each of the phases.

***D-2. Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.***

The Board stressed the importance of avoiding blank walls on all elevations, including the north-facing wall which faces the Ballard Firehouse. Depending upon the architectural detailing on all building facades, the Board may consider some minimal departure to the open space requirement.

3/1/99

Please see the response to C-1 above.

***D-5. Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.***

More information should be provided regarding how the parking structure will be ventilated. If ventilation includes visible opening to the street, they should be architecturally integrated.

3/1/99

The applicant indicated that parking areas would be ventilated at the roof and no openings are proposed which would be visible at the pedestrian level.

***D-6. Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.***

The Board emphasized this as a significant priority, especially given the scale of the project. The applicant should describe how this priority will be addressed at the next Early Design Guidance meeting.

3/1/99

The applicant indicated that all dumpsters would be located within the structure. Also, please see the response to C-1 above.

***D-7. Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.***

The Board emphasized this as a significant priority, especially given the scale of the project. The applicant should describe how this priority in concept will be addressed at the next Early Design Guidance meeting.

***E-2. Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.***

See all of the previous comments pertaining to the need for a sidewalk plan, roof-top deck concept design, and a description related to the purpose and function of the "courtyard."

Additionally, the Board agreed that the design of the courtyard should be well thought out.

3/1/99

The applicant indicated that the landscape spaces will incorporate a variety of plant materials, pavers (either clay or concrete), site furniture and other features to provide spaces to enhance the experience including art pieces throughout the project.

## **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on February 23, 2006.

## **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted three Recommendation Meetings on October 10, 2005, December 12, 2005, and March 13, 2006 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

### **Public Comments**

Approximately twenty citizens signed in at the October 10, 2005 recommendation meeting. Comments received involved opposition to the residential use in general, opposition to the elevations on Leary, perceived impacts to parking in the neighborhood, the design's relationship to historical elements in the neighborhood, and suggestions for design and massing.

Approximately ten citizens signed in at the December 12, 2005 recommendation meeting. Comments received involved a preference for preserving facades from the 1900s rather than the 1950s and a question regarding CMU treatment on the north and south elevations.

Approximately three citizens signed in at the March 13, 2006 recommendation meeting. A member of the public asked what guarantees there were that the facility would not convert to standard residential in the near future, which would create a parking deficit in the neighborhood. Both Scott Kemp from the Department of Planning and Development and Leon Grundstein from GenCare assured the citizen that the facility could not easily be converted and if it was ever converted it would require the addition of adequate parking.

### **Development Standard Departures**

The original applicant requested departures from the following standards of the Land Use Code:

1. **Decrease of non-residential street frontage from 80% to 67%:** To allow two residential units at the southeast portion of the project, a residential lobby and a pedestrian corridor approximately 16' wide through the site from street to street. After exclusion of 22 feet of driveway there would be 67% of the Leary Avenue N.W. frontage in non-residential use; the code requires 80%. The rationale for the departure was that the area is far from the commercial node at Market Street and closer to a calmer, less commercial area wrapping the corner at 20<sup>th</sup> Avenue N.W.
2. **Increase of lot coverage from 64% to 68%:** The rationale for this departure was that step backs at upper levels, preservation of an existing building in the Ballard Historic District and creation of a mid-block pedestrian connection between Leary Avenue N.W. and Ballard Avenue N.W. all have lessened the potential for interior floor area which can be partially compensated for with this departure. The applicant also pledged to spend at least \$50,000 on art incorporated into the project and visible from the public rights-of-way.

3. **Parking stall and aisle size standard departures:** To allow an increase in stall and aisle size from 60% required 8' wide stalls and 22'-wide drive aisle to 100% 8'-6' wide stalls and 24' wide aisle to accommodate senior mobility needs.

The currently proposed project applicant requested the following departures from standards of the Land Use Code:

1. **Decrease of non-residential street frontage from 80% to 53%:** To allow typical ground floor uses required of a senior housing facility along Leary Avenue N.W, which include the garage entrance, building entrance, administrative offices, living room and library, departure waiting area, and the loading dock. The rationale for the departure is that the proponent has maximized the Ballard Avenue retail area, and the portion of the building on Leary Avenue N.W. closest to the commercial node at Market Street. Due to security, access, and programming needs of the senior residents, and due to the L-shaped lot with no alley access, a large amount of non-residential street frontage use must occur on Leary Avenue N.W.
2. **Increase of lot coverage from 64% to 68%:** The rationale for this departure is that the step backs at upper levels, preservation of an existing building in the Ballard Historic District, and the Ballard Historic District three-story height restriction have lessened the potential for interior floor area which can be partially compensated for with this departure.
3. **Parking stall and aisle size standard departures:** To allow an increase in stall and aisle size from 60% required 8' wide stalls and 22' wide drive aisle to 100 & 8'-6" wide stalls and 24' wide drive aisle to accommodate senior mobility needs.

### Recommendations

The Board only made recommendations regarding Phase II of the project, as this was the portion presented as the subject of this Master Use Permit to the Design Review Board.

In general the Board was supportive of the project but agreed that a few things could be considered to improve the building's design. A Board member stated that the meeting with the Historic District Board would be another opportunity for design discussion. The Board recommended conditional approval of the project, voted in favor of the requested departures, and felt the project met the Early Design Guidance.

***A-1. Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other natural features.***

10/10/05

The Board made specific comments and recommendations relative to the elevational composition of the previous MUP application regarding the Leary Avenue N.W. façade, such as the extent of the masonry veneer, the step back of the northern half of the building fronting Leary, and the prominence of the central entry element.

12/12/05

The Board agreed that this priority had been addressed with the revised design. The Board approved of the addition and detailing of the masonry veneer, inclusion of canopies at the retail level, and replication of the bays and recesses of the upper residential levels. No additional recommendations were provided.

***A-2. Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.***

12/12/05

The Board recommended approval of the addition of steel canopies and modulation of the storefront bays that were deemed to be more appropriate in the neighborhood. The fifth level residential units were set back, and material and detail changes were added to differentiate the level from the lower four floors. The Board felt that not enough information and detail was provided and that the proponent's architect should provide more detailed information regarding streetscape and awning design.

3/13/06

The Board approved of the addition and detailing of the masonry veneer, and replication of the bays and recesses of the upper residential levels. The Board approved of the canopy design on the northern half of the Leary Ave. N.W. facing facade, but directed that some additional design work should be done to the canopies on the southern half of the proposed building. They directed that the design of the canopies be amended to provide at least four feet of overhead cover of the sidewalk area beneath with a "cornice band" appearance across the base of the structure.

***A-4. Human Activity. New development should be sited and designed to encourage human activity on the street.***

12/12/05

The change in use to senior housing provided the opportunity for the living room and library areas of the senior housing common area to face the street. The mid-block walkway was eliminated as the two phases of the original project are now different uses and under different ownership. Additionally, a mid-block walkway with a 7-foot height differential provided access challenges and security and safety issues for seniors. The additional retail that was added along Leary Avenue N.W. enhanced human activity on the site. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***A-6. Transition between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.***

12/12/05

Due to the change of use to senior housing, the main entrance to the building is the primary residential element providing interaction between residents and the street. The Board requested that special paving be provided at the main entrance, and that continuous canopies should provide adequate weather protection.

3/13/06

The Board agreed that the above guidance had been met with the addition of special paving at the main entrance and provision of continuous canopies on the Leary Avenue N.W. frontage.

***A-7. Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.***

12/12/05

Due to the change of use to senior housing, the architect incorporated enclosed courtyards to meet open space criteria and provide a healthier living environment for the residents. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***A-8. Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.***

12/12/05

The project parking entrance was limited to only one entrance at the southern end of the project, which eliminated conflicts between pedestrian and vehicular traffic. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***A-10. Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.***

This guideline was not applicable to Phase II.

***B-1. Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential of the adjacent zones.***

12/12/05

The Board recognized the addition of eroded edges, new depth of bays, and Juliette balconies that reduced the height, bulk, and scale of the project. The Board also noted that the three levels of setbacks included in the project were reflected by the use of different colors. The Board recommended that the canopies include more modulation and that the brick should continue through the canopy to enhance modulation. It was also recommended that special paving be included at the tall mass entry portion and varying tree species be used at the north and south facades to accentuate the difference in building masses. The Board finally recommended that the northeast corner at Leary Avenue should be eroded to reduce bulk and mass. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***C-1. Architectural Context. New buildings proposed for existing neighborhoods with well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.***

12/12/05

The Board emphasized the importance of relating the design to the historical context in addition to the newer buildings in the area, but recognized that the Historical District Board meeting would allow another opportunity for design discussion as it relates to the Historic District.

The Board also recognized the addition of new building elements, such as Juliette balconies, eroded edges, “brows” at the roof edge, and canopies which were compatible with the architectural character of the neighborhood. The Board appreciated the use of brick and recommended that the architect look into brick paving at the entry along Leary Avenue in lieu of the stone currently designed. The Board also appreciated the use of the same types of street trees as are proposed across the street at Phase I.

The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***C-2. Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.***

12/12/05

The Board asked for additional information on the Leary Avenue N.W. street frontage.

3/10/06

The Board appreciated the use of the canopies but recommended that the canopies on the building look more like a cornice line running continuously on the southern half of the building. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***C-3. Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.***

12/12/05

Please see C-1, Height Bulk and Scale Compatibility, above. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***C-4. Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.***

3/10/06

The Board recognized the use of brick and steel to fit in with the architectural character of the neighborhood. The Board did not oppose the use of other building materials. It was

recommended that varied paving treatments and concrete scoring be used. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***C-5. Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.***

12/12/05

See response to A-8, Parking and Vehicle Access, above. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***D-1. Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.***

12/12/05

See responses to A-7, Residential Open Space, A-2, Streetscape Compatibility, and A-6, Transition Between Residence and Street, above. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***D-2. Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.***

12/12/05

The Board requested to see additional treatment of the blank walls adjacent to the parking and service entrances.

3/10/06

The architect provided representations of planting pockets and vine armatures to add necessary detail to the blank walls. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***D-5. Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.***

All parking structures are below grade.

***D-6. Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.***



12/12/05

All dumpsters and utilities are located within service areas and are adequately screened from view by a recessed masonry wall. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***D-7. Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.***

12/12/05

The Board recommended that the sidewalk along the driveway be paved with a different material to announce to pedestrians through change of color, texture, and pattern, that they are crossing a driveway. Elimination of the pedestrian walkway will improve safety and security for senior residents. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

***E-2. Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.***

12/12/05

The Board felt that the presentation lacked enough information and detail regarding the streetscape and awning design.

3/10/06

The Board viewed a landscaping plan and recommended the protection of existing trees, and the use of varying tree species along the north and the south elevations to accentuate the difference in building masses. The Board also suggested using mature trees at the streetscape. The Board agreed that this priority had been addressed with the revised design and no additional recommendations were provided.

#### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by four Board members and the recommendation to approve the design, as stated above.

#### **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**. Design Review conditions are listed at the end of this report.

## **ANALYSIS-SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on January 27, 2006 and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

### **Short-term Impacts**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, drainage, earth, grading, traffic and parking impacts as well as mitigation.

### **Air Quality**

A large portion of a building will be demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirement shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing buildings, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition. Other than assurance that the required notice has been provided, no SEPA conditioning of air quality impacts is necessary.

### **Noise**

The project is expected to generate loud noises during demolition, grading, and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with retail, restaurant, institutional, industrial, commercial, and housing uses and will be impacted by construction noise. The

protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), the applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM on non-holiday weekdays. To shorten the overall construction time frame, construction will be allowed on Saturdays between the hours of 9:00 AM and 6:00 PM on a contingency basis. Allowing Saturday construction activity will be contingent upon an approved mitigation program for the duration of construction. A mitigation program proposal must be submitted by the responsible party and approved by DPD. The program elements must consist of the following:

- Construction activities which generate the loudest noise shall be performed during the weekday hours only. Identification of the type of construction activity that will occur between the hours of 9:00 AM and 6:00 PM on Saturdays must be disclosed. No work, deliveries, or otherwise will be allowed outside of the weekday and Saturday hours.
- Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generates lower decibel levels, or utilization by other means to mitigate noise.
- Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door-to-door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
- The approved plan shall be available or posted on-site for the duration of construction.

#### Earth/Drainage/Grading

According to the proposal and the geotechnical study, on-site grading will occur during the excavation phase to provide two below-grade levels. Approximately 15,400 cubic yards of soil and existing fill material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater Grading and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

According to the geotechnical study, on-site groundwater levels occur at a depth of approximately 20 to 25 feet. Excavation of the below-grade levels of the project will require cuts of approximately 25 feet. As such, it is anticipated that groundwater seepage will be encountered in the proposed excavation for the building. In the opinion of the geotechnical report, based on the on-site conditions encountered during testing and the generally dense to very dense condition of the on-site soils, groundwater seepage is not anticipated to have an adverse impact on the planned excavation. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit.

Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts. Therefore, no mitigation of earth-related impacts pursuant to SEPA authority is warranted.

### Pedestrian Circulation

The Street Use Ordinance includes regulations that regulate dust, mud, and circulation within the public right-of-way. Street use permits obtained from SDOT will be necessary for any temporary closures of sidewalks and/or traffic lanes. The sidewalks along both Leary Avenue N.W. and Ballard Avenue N.W. are important pedestrian routes which should be kept open to the greatest extent possible. In addition, Leary Avenue N.W. is a wide street with four traffic lanes and parking on both sides, complicating pedestrian crossings. Therefore, SEPA authority will be exercised to require that safe pedestrian routes along both Leary Avenue N.W. and Ballard Avenue N.S. be kept open past the site. Permit approval by SDOT to allow closure of these routes as necessary will overrule this condition.

### Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. To minimize on-street parking in the vicinity due to construction impacts, parking will be provided off-site at a private yard until structured parking is available on-site in the parking garage. Construction workers will be required to park in the on-site garage when it becomes available. Contractors shall be required to submit construction worker parking management plans to DPD prior to the issuance of Excavation, Shoring, or Building permits.

During excavation, shoring, and foundation construction, up to 1,500 truck trips could be generated. Peak use would be about 60 trips per day. A truck route for site excavation has not yet been worked out with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.0675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- Prior to issuance of the Excavation, Shoring, or Building permits, the contractor shall submit a construction worker parking management plan. This plan shall put forth measures whereby parking of construction worker vehicles or other construction-related vehicles will be avoided on-street in commercial or residential zones, or in the Ballard Historic District.
- Prior to issuance of a street use permit, the contractor shall provide the City with a construction traffic plan. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be

managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

### Earth

There would be almost no potential for erosion from the completed development, since almost no exposed earth would remain on-site. Approximately 95% of the site would be covered with impervious surfaces following redevelopment. Open space would be provided in the form of interior courtyards. Landscaping would be provided by built-in containers and by street trees. As there is no erosion potential, impacts are not considered significant and no mitigation is warranted.

### Traffic and Parking

William Popp Associates completed a traffic study for the project which was submitted to the City as part of the application and review process. A previous traffic study was prepared for the initial iteration of the project in April 2000 that included Phases I and II. The traffic study was updated in 2006 to reflect the change of the project program from mixed-use residential to assisted living, and to reflect impacts from Phase II of the project only.

For its analysis, William Popp Associates utilized trip generation rates associated with ITE Land Use Code 254, Assisted Living, for the 146 assisted living units, and ITE Land Use Code 814, Specialty Retail Center, for the retail element of the project. All rates were obtained from the ITE 7<sup>th</sup> Edition. The study estimated that the project would generate approximately 782 average weekday daily trips, including 30 new morning peak hour trips and 56 new evening peak hour trips.

In addition, William Popp Associates completed a parking demand analysis for the project. Based on the parking requirements contained in City code, only 67 parking stalls would be required for the project, but the project is providing 105 stalls. The analysis also documented the unique parking characteristics of three other assisted living residences similar to the proposed facility and all owned by the same group. The analysis found that these types of assisted retirement living developments located in major metropolitan areas are usually very low generators of traffic and result in low parking demand for the following reasons:

- Residents typically do not drive and very few residents own vehicles
- Employees are usually full-time staff and typically arrive and depart during non-peak driving hours.
- Visitors typically arrive and depart at all hours during the day.
- Service vendors are usually contracted and scheduled to arrive and depart during non-peak driving hours.
- Assisted living residences are frequently located in close proximity to major arterial roadways served by public transportation.
- Assisted living residences typically own a van or shuttle bus which is used to provide resident transportation on a scheduled basis.

As noted, the proposed project would generate only 30 new morning peak hour trips and 56 new evening peak hour trips and would provide almost double the amount of code-required parking. Any long term traffic and parking impacts are not considered significant and no mitigation is warranted.

#### Water Quality/Drainage

The site is not located within the Shoreline District. Upon completion of the project, the site would be mostly covered by impervious surfaces. All vehicle parking would be provided in an underground parking garage. Stormwater from impervious surfaces would be collected in catch basin and roof drains, and tight-lined to the separated municipal storm drainage collection system in Leary Avenue NW, which discharges into Salmon Bay. Stormwater detention would not be required as the drainage system is connected to the City's direct-discharge pipe to Salmon Bay. Most stormwater runoff from the completed project would be from "clean" surfaces (i.e., not exposed to vehicular traffic). Impacts to stormwater are not considered significant and no mitigation is warranted.

#### Plants/Animals

All existing vegetation would be removed during the site excavation and construction. There is no known occurrence of threatened or endangered species on or near the site.

Frontage improvements will include street trees. Landscaped open spaces will be provided in the interior courtyard, public terraces, and the roof garden.

Impacts to plants and animals are not considered significant and no mitigation is warranted.

#### Energy and Natural Resources

Natural gas or electricity would be used as the principal source of energy for space heating. Electrical energy would be used for lighting and operating appliances. It is not expected that the height and configuration of the proposed structure would interfere with the potential use of solar energy by adjacent properties. Residential units in the completed development would be equipped with double-glazed windows to minimize energy loss. Building construction would comply with this and other requirements of the Seattle Energy Code, at a minimum, to be reviewed at the time of Building permit application.

Long term impacts to energy and natural resources are not considered significant and no mitigation is warranted.

### Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. A total of 146 assisted living residential units are proposed. The proposed project would provide additional senior housing within the Urban Village. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to downtown and urban villages minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

### Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2. Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

In order to respond to the site characteristics and reduce the building mass and bulk, the project was broken into two separate building components, each designed to address its unique street frontage. Modulations too are incorporated into the architecture. Along Ballard Avenue N.W. the height of buildings is stepped down and an existing one-story building is preserved. Also, the project is divided into two buildings above grade with a sizable pedestrian walkway between as viewed from this western elevation.

Although the proposed project is larger than the existing surrounding structures, it is not larger than that allowed by surrounding zoning. Because of the central location of the project within the Ballard Hub Urban Village, it is anticipated that over time other properties in the vicinity will also redevelop to more fully utilize existing zoning potential. Care has been taken through design review to ensure that the design and configuration of the proposal will be compatible with surrounding development.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

### Historic and Cultural Preservation

Elements of the project within the Ballard Historic District have been designed to fit within the existing character for the district and the existing on-site building within the district would be preserved and restored. A Certificate of Approval from the Ballard Avenue Landmark District Board must be obtained for all of the planned construction within the district. Preliminary review has taken place at the Board and a Certificate of Approval is anticipated on completion of

this SEPA determination and review. A referral to the Office of Urban Preservation in the Department of Neighborhoods was made and staff there has determined the buildings slated for demolition (outside the historic district) are unlikely to meet the criteria for Seattle Historic Landmark status. No conditioning based upon historic resource policies is warranted.

#### Public View Protection

The City's SEPA policies protect public views of significant natural or human-made features from designated public places; private views are not protected. SEPA policies also protect public views of historic landmarks designated by the Landmarks Preservation Board.

The only designated viewpoint in the vicinity is Market Street. *See* SMC 25.05.675 Att. 1. The proposal is located near, but not immediately adjacent to Market Street, and is not anticipated to block any views of significant natural or human made features from Market Street.

No SEPA mitigation is warranted.

#### Light and Glare

A new source of light in the evenings will be from the glow of lights inside residential units and lighting of the sidewalk surrounding the project.

Lighting proposed within the mixed-use residential/commercial project would include low-level landscape lighting at the interior courtyard, shielded security lighting at exterior building entrances, and individual incandescent or fluorescent lights on decks and at unit entries. A building address identifier would also be lighted. Individual businesses are expected to provide signage consistent with the Seattle Land Use Code.

No reflection materials, such as reflective glass or polished metal are proposed for the building exterior. The proposal includes use of low-level, directional lighting, and non-reflective exterior building materials to minimize the occurrence of light and glare from circulating or parked vehicles.

Impacts from light and glare are not considered significant and mitigation is not warranted.

#### Public Services and Utilities

The change of use, increase in development on the site, type of development (residential and commercial), and the introduction of a resident population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The resident population would not include any school-age children, which would not increase enrollment in area schools. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application. All exterior entrances to the building would be well-lighted and equipped with security gates.



All utilities required to serve the proposed mixed-used residential/commercial development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

### Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The development, however, is fully consistent with the applicable development regulations, design guidelines, and code departure considerations. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

#### Prior to Issuance of Demolition, Grading, or Building Permits

The owner(s) and/or responsible parties shall:

1. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency.
2. Submit a Certificate of Approval for the project issued by the Ballard Historic District Board.
3. Prior to issuance of the Excavation, Shoring, or Building permits, the contractor shall submit a construction worker parking management plan. This plan shall put forth measures whereby parking of construction worker vehicles or other construction-related vehicles will be avoided on-street in commercial, industrial, or residential zones, or in the Ballard Historic District.

4. Prior to issuance of a street use permit, the contractor shall provide a construction traffic plan to SDOT for review and approval. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.
5. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application.
6. A Shoring and Excavation Permit shall be required by SDOT prior to issuance of a building permit.

#### During Construction

7. Construction work shall be limited to between the hours of 7:30 AM and 6:00 PM on non-holiday weekdays. Construction shall be allowed on Saturdays between the hours of 9:00 AM and 6:00 PM contingent upon DPD's approval of a mitigation program which shall be in effect for the duration of construction. The approved mitigation plan shall contain the following:
  - a. Construction activities which generate the loudest noise shall be performed during the weekday hours only. Identification of the type of construction activity that will occur between the hours of 9:00 AM and 6:00 PM on Saturdays must be disclosed. No work, deliveries, or otherwise will be allowed outside of the weekday and Saturday hours.
  - b. Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generates lower decibel levels, or utilization by other means to mitigate noise.
  - c. Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door-to-door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
  - d. The approved plan shall be available or posted on-site for the duration of construction.
8. Safe pedestrian routes along both Leary Avenue N.W. and Ballard Avenue N.W. shall be kept open past the project site during construction. Permit approval by SDOT to allow closure of these routes as necessary will overrule this condition.
9. On-street parking of construction worker vehicles in surrounding areas shall be prohibited.

## CONDITIONS – DESIGN REVIEW

10. The high quality of materials proposed at the final Design Review Board meeting shall be incorporated in the buildings as constructed and shall be maintained for the life of the project.
11. Sidewalk pavement in front of the vehicle entry shall be of a different texture, pattern and shade from that of the remainder of the sidewalk area adjacent to the site.
12. The design of canopies south of the pedestrian entry shall be amended to provide at least four feet of overhead cover of the sidewalk area beneath with a “cornice band” appearance across the base of the structure.

Signature: (signature on file)  
 Scott Kemp, Senior Land Use Planner  
 Department of Planning and Development

Date: June 12, 2006